

## REMARKS

By the above amendment, claim 4 has been amended to clarify features thereof and new independent claims 5 and 6 have been presented. Additionally, the specification has been updated to indicate the patented status of the parent application. Also, the title has been amended.

As to the rejection of claim 4 under 35 USC 112, second paragraph, this rejection is traversed insofar as it is applicable to the present claim, as amended.

The Examiner indicates that the claim is unclear with the Examiner stating:

Are the plural paths part of the mobile unit (not in the claim)?  
If the mobile unit is not part of the relay the claim might require restriction. (emphasis added)

Claim 4 does not recite a mobile unit so that the Examiner's reference to a mobile unit is not understood. The claim recites features of "terminals each having a wireless transmitting/receiving unit, said terminals being correspondingly provided for an elevator control unit and respectively for said floor; wherein transmission/reception signals is performed between two of said terminals by relay of said signals through different plural paths; and a comparator ...". There is no recitation of a mobile unit, and the different plural paths do not set forth that such contain a mobile unit. As such, the Examiner's question concerning a mobile unit is not understood, especially in light of the fact that 35 USC 112, second paragraph provides that the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. As part of the claimed invention, a comparator is recited such that the Examiner's indication that "The comparator does not appear to provide an output and is considered surplusage" (emphasis added), is also not understood since the comparator as recited in claim 4 is considered to be part of the subject matter

regarded as applicants invention in such claim. In light of the Examiner's indication that the comparator does not appear to provide an output, claim 4 has been amended to recite the feature that the comparator provides an output indicative of the comparison, and applicants submit that claim 4, as amended, should be considered to be in compliance with 35 USC 112, second paragraph. .

As to the rejection of claim 4 under the judicially created doctrine of double patenting over claims 1 - 11 of US Patent No. 6,446,761 is traversed, insofar as such rejection is understood. Claim 4 recites the feature of a comparator and whether or not the comparator provides an output, applicants note that claims 1 - 11 of US Patent No. 6,446,761 do not recite the feature of a "comparator". Since the rejection is based upon a "judicially created doctrine", it is apparent that such rejection is a non-statutory double patenting rejection which may be overcome by the filing of a terminal disclaimer.

With regard to the rejection of claims 1 - 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 16 of US Patent No. 6,446,761 in view of Kallander et al (5,603,080), such rejection is also traversed as being improper, but it is recognized that such rejection is also a non-statutory double patenting rejection which can be overcome by the filing of a terminal disclaimer.

Without acquiescing in the propriety of the rejections of claim 4 and claims 1 - 3 under the judicially created doctrine of double patenting or obviousness-type double patenting, in order to obtain allowance of such claims at this time, submitted herewith is a terminal disclaimer, together with the appropriate fee therefor, such that these rejections should now be overcome.

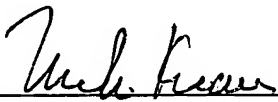
With respect to newly presented claims 5 and 6, applicants note that such claims correspond generally to claims 1 and 4 while reciting further features of the present invention, and as recognized by the Examiner, the recited features are not disclosed or taught in the cited art. Thus, claims 5 and 6 should also be considered allowable at this time.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 503.39333CC2), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
\_\_\_\_\_  
Melvin Kraus  
Registration No. 22,466

MK/jla  
(703) 312-6600